



**Hundredth Legislature - Second Session - 2008**  
**Committee Statement**  
**LB 624**

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**Hearing Date:** February 22, 2007  
**Committee On:** Judiciary

**Introducer(s):** (Pirsch)

**Title:** Change provisions relating to operating a motor vehicle to avoid arrest

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**Roll Call Vote – Final Committee Action:**

- X Advanced to General File
  - Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

5	Yes	Sen. Ashford, Sen. Lathrop, Sen. McDonald, Sen. McGill, Sen. Pirsch
	No	
2	Present, not voting	Sen. Pedersen, Sen. Schimek
1	Absent	Sen. Chambers

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**Proponents:**

Sen. Pirsch  
 Aaron Hanson  
 Joe Kohout  
 Jack Cheloha  
 Corey O’Brien

**Representing:**

Introducer  
 Omaha Police Union  
 Nebraska Fraternal Order of Police  
 City of Omaha  
 Nebraska County Attorney’s Association

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Legislative Bill 624 proposes to amend the crime of operation of a motor vehicle to avoid arrest to eliminate the current felony enhancement language and replace it with a list of factors which if proved will enhance the penalty for a conviction for operation of a motor vehicle to avoid arrest from a class I misdemeanor to a class IV felony.

Currently, section 28-905 defines the offenses of misdemeanor and felony operation of a motor vehicle to avoid arrest. The distinction between the two crimes is the type of underlying offense

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from which the person is fleeing arrest. Persons fleeing arrest for a misdemeanor offense are punished with a class I misdemeanor while persons fleeing arrest for a felony offense receive a class IV felony.

LB 624 removes all references to the severity of the underlying offense and creates a single crime of operation of a motor vehicle to avoid arrest with a penalty enhancement if certain additional facts are present. The base penalty for the offense under LB 624 is punishable as a class I misdemeanor unless one of the following enhancement factors are proved, in which case the penalty is enhanced to a class IV felony:

- The person has a prior conviction for operation of a motor vehicle to avoid arrest;
- The flight results in the death or injury to any person; or
- The flight involves the willful reckless operation of the motor vehicle.

LB 624 also amends the mandatory license revocation period imposed on persons convicted for operation of a motor vehicle to avoid arrest. Currently, a two year license revocation period is required for both the misdemeanor and felony versions of the offense. LB 624 reduces the mandatory license revocation period to one year for persons receiving a misdemeanor penalty and retains the two year revocation period for persons who receive the enhanced felony penalty under the bill.

**Explanation of amendments, if any:**

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**Senator Brad Ashford, Chairperson**